

FINDINGS OF FACT AND CONCLUSIONS OF LAW

K.S.A. 44-534a limits the rights of the parties to appeal from decisions of Administrative Law Judges at preliminary hearings.

The Administrative Law Judge denied respondent's motion to quash claimant's request for a regular hearing in the above matter due to the ongoing utilization and peer review investigation of the medical charges of Dr. William Mitchell. The Administrative Law Judge found this matter ready for regular hearing.

The Appeals Board has found on many occasions in the past that the administration of the Administrative Law Judge's docket is within the power of the Administrative Law Judge and the Appeals Board will not interfere in same. This Order by the Administrative Law Judge is an interlocutory order, not ripe for appeal, and the Appeals Board finds that the Administrative Law Judge has both the power and the jurisdiction to control her docket and to schedule regular hearings.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Nelsonna Potts Barnes, dated August 4, 1994, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of October, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: William C. Cather, 2935 S. Seneca, Wichita, KS 67217
Kim R. Martens, 200 W. Douglas, Suite 630, Wichita, KS 67202
Nelsonna Potts Barnes, Administrative Law Judge
George Gomez, Director